

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35248 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- DAGARUA District- Purnia

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Md. Jalal @ Jalaluddin @ Jalal S/o Md. Sahid @ Hasamuddin Resident of
Telniya Rahika, P.S.- Dagarua, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Dagarua P.S. Case No. 5 of 2025 instituted for the offences
under Sections 8(c), 21(b), 29 of the NDPS Act.

3. Prosecution case, in short, is that total 10.25 grams
of smack has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. The
name of the petitioner transpired in this case on the basis of
disclosure made by co-accused Ashik. Learned counsel for the
petitioner submitted that the recovered contraband is less than
commercial quantity, hence, Section 37 of the NDPS is not



applicable in the present case. There is no compliance of Section 42 and 50 of the NDPS Act. It has been submitted on behalf of the petitioner that the petitioner has two criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence as also the petitioner being a party to criminal conspiracy, in my view, this is not a fit case for anticipatory bail, hence, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner is, hereby, rejected.

8. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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